

IN SPECIAL JOINT CONVENTION
IN THE MATTER OF JUDGE IRA HENDERSON MURPHY
THURSDAY, APRIL 30, 1987

Mr. President Wilder called the Special Joint Convention to order pursuant to Article VI, Section 6 of the Tennessee Constitution and Tennessee Code Annotated, Section 17-5-311 (d).

The roll call of the Senate was taken with the following results:

Senators Present 33

The roll call of the House was taken with the following results:

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

Representatives Present 95

Total members present were. 128

President Wilder stated that the purpose of the Joint Convention is to act upon the Report of the Special Joint Committee in the matter of Judge Ira Henderson Murphy. The complete record has been properly filed with the Clerk of the Senate and has been made available to each member of the General Assembly. The matter is now before this Joint Convention.

President Wilder recognized Senator Rucker, Chairman of the Special Joint Committee for the Report, which is as follows:

THURSDAY, APRIL 30, 1987--SPECIAL JOINT CONVENTION

**REPORT OF THE
SPECIAL JOINT COMMITTEE
APPOINTED PURSUANT TO
TENNESSEE CODE ANNOTATED
SECTION 17-5-311**

In the Matter of: Judge Ira Henderson Murphy

April 13, 1987

MEMBERS: Senator John R. Rucker, Chairman
Representative Chris Turner, Vice-Chairman
Senator Tommy Burks
Senator Riley C. Darnell
Senator J. Ronnie Greer
Senator Curtis S. Person, Jr.
Representative Lane Curlee
Representative Jerry Cross
Representative Bill Purcell
Representative Karen Williams

On December 10, 1986, the Tennessee Court of the Judiciary, following a hearing conducted in Memphis, Tennessee on December 8, 1986, recommended the removal of Ira Henderson Murphy from the office of general sessions judge of Shelby County.

Pursuant to Tennessee Code Annotated, Section 17-5-310, on January 12, 1987, Judge Murphy appealed the recommendation of the Court of the Judiciary to the Tennessee Supreme Court. Following a de novo review on the record, on March 3, 1987, the Supreme Court affirmed the recommendation of the Court of the Judiciary and also recommended the removal of Judge Murphy from office. On March 3, 1987, a certified copy of the entire record was forwarded to the Speaker of the Senate and Speaker of the House of Representatives.

Pursuant to Tennessee Code Annotated, Section 17-5-311(c), on March 5, 1987, Speaker Murray appointed the House members of the Special Joint Committee and on March 16, 1987, Speaker Wilder appointed the Senate members. Senator Rucker was appointed as temporary chairman.

Temporary Chairman Rucker called a meeting of the Special Joint Committee for the purpose of conducting a de novo review on the record transmitted by the Supreme Court for April 9, 1987. On March 26, 1987, Judge Murphy received personal notice of the April 9 meeting.

Following the hearing conducted on April 9, the Special Joint Committee makes the following findings and recommendations on each charge upon which the Court of the Judiciary recommended removal and the Supreme Court affirmed:

THURSDAY, APRIL 30, 1987--SPECIAL JOINT CONVENTION

I. The first charge upon which the Court of the Judiciary recommended removal and the Supreme Court affirmed is that Judge Murphy is no longer licensed to practice law in this state and is therefore not qualified to serve as a general sessions judge of Shelby County.

A part of the record transmitted by the Supreme Court (Committee Exhibit #2) is a July 24, 1987 order of the Supreme Court suspending the law license of Judge Murphy based upon his conviction for eleven (11) counts of mail fraud, one (1) count of obstruction of justice, and one (1) count of perjury.

Both Tennessee Code Annotated, Section 17-1-106, and Section 8 of Chapter 772 of the Public Acts of 1982 (the act creating the position Judge Murphy currently occupies) require general sessions judges in Shelby County to be licensed to practice law in the courts of Tennessee.

The Special Joint Committee finds that, at the time of the hearing, Judge Murphy is not licensed to practice law in this state and is therefore not statutorily qualified to be a general sessions judge in Shelby County and the Committee recommends by a vote of 10-0 the removal of Judge Murphy from office based upon Charge I.

II. The second charge alleges that Judge Murphy has violated Canons 1 and 2A of the Code of Judicial Conduct.

Canon 1 states that "A Judge Should Uphold the Integrity and Independence of the Judiciary". Canon 2A provides that "A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary".

As stated in the record (Committee Exhibit #2), on July 11, 1986, a jury returned a verdict of guilty in the U. S. District Court for the Western District of Tennessee against Judge Murphy for eleven (11) counts of mail fraud, one (1) count of obstruction of justice, and one (1) count of perjury. On September 5, 1986, Judge Murphy was sentenced by the U. S. District Judge to five (5) years imprisonment on each of the thirteen (13) counts, with the sentences to run concurrent with each other and fined him five thousand dollars (\$5,000). On September 29, 1986, Judge Murphy was ordered to report to the federal prison camp at Maxwell Air Force Base, Montgomery, Alabama, at noon on Monday, October 20, 1986. As of the date of this hearing, the thirteen (13) guilty verdicts against Judge Murphy have not been reversed and he is serving the sentences received.

The Committee finds that Judge Murphy has not upheld the integrity of the judiciary nor has he complied with the law or otherwise conducted

THURSDAY, APRIL 30, 1987--SPECIAL JOINT CONVENTION

himself in a manner that promotes public confidence in the integrity of the judiciary. While these offenses were not committed as part of the office of judge, they were committed while he was a judge and are offenses of a nature that seriously undermine the public's confidence in a fair and impartial judiciary.

Therefore, based upon the convictions for offenses which do not promote public confidence in the integrity of the judiciary, the Committee recommends by a vote of 10-0 that Judge Murphy be removed from office based upon Charge II.

III. Charge III(A) alleges that Judge Murphy has violated Tennessee Code Annotated, Section 17-5-302(2), in that he has willfully or persistently failed to perform the duties of the office to which he was elected.

The record indicates that Judge Murphy has not held court in Shelby County for a substantial period of time and, because of the suspension of his law license on July 24, 1986, is not currently qualified to hold court. The Committee finds that Judge Murphy has persistently failed to perform the duties of his office and is likely to continue not to perform them in the future. Based upon this finding, the Committee recommends by a vote of 9-1 the removal of Judge Murphy from office based upon Charge III(A).

Charge III(B) alleges that Judge Murphy violated Tennessee Code Annotated, Section 17-5-302(4), in that he committed acts that constitute a violation of so much of the Code of Professional Responsibility as set out in the rules of the Supreme Court of Tennessee, as is applicable to judges.

The Committee finds that conviction of thirteen (13) felony counts violated the Code of Professional Responsibility applicable to judges for the same reasons set out in the Committee's findings relative to Charge II and recommends by a vote of 10-0 the removal of Judge Murphy from office based upon Charge III(B).

Charge III(C) alleges that Judge Murphy violated Tennessee Code Annotated, Section 17-5-302(8), in that he was guilty of conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice.

The Committee finds that, without question, the conviction of a sitting judge for mail fraud, perjury, and obstruction of justice tends to adversely affect the reputation and image of not only his office, but the entire Tennessee judiciary. The Committee also finds that because Judge Murphy has not held court in Shelby County in quite some time and is not currently statutorily qualified to hold court, his actions have also adversely affected the administration of justice. For this reason the Committee recommends by a vote of 10-0 that Judge Murphy be removed from office based upon Charge III(C).

THURSDAY, APRIL 30, 1987--SPECIAL JOINT CONVENTION

This report is respectfully submitted by the membership of the special Joint Committee of the Ninety-Fifth General Assembly of the State of Tennessee.

Senator John R. Rucker, Chairman

Representative Chris Turner,
Vice-Chairman

Senator Riley C. Darnell

Representative Lane Curlee

Senator J. Ronnie Greer

Representative Jerry Cross

Senator Curtis S. Person, Jr.

Representative Bill Purcell

Senator Tommy Burks

Representative Karen Williams

Mr. President Wilder stated the record having been considered and having heard the argument of counsel, this body is required by Tennessee Code Annotated, Section 17-5-311 (e), to vote "for removal" or "against removal" as to each charge for which the Special Joint Committee recommended removal.

Mr. President Wilder directed the Clerk to read the charges as follows:

- Charge I Because Judge Murphy is no longer licensed to practice law, he is not qualified to serve as General Sessions Judge of Shelby County in accordance with Tennessee Code Annotated, Section 17-1-106.
- Charge II Judge Murphy has violated Canons 1 and 2A of the Code of Judicial Conduct adopted in Rule 10 of the Rules of the Supreme Court of Tennessee.
- Charge III(A) Judge Murphy has violated Tennessee Code Annotated, Section 17-5-302(2), in that he has willfully or persistently failed to perform the duties of the office to which he was elected.
- Charge III(B) Judge Murphy has violated Tennessee Code Annotated, Section 17-5-302(4), in that he committed acts that constitute a violation of so much of the Code of Professional Responsibility as set out in the rules of the Supreme Court of Tennessee, as is applicable to judges.
- Charge III(C) Judge Murphy has violated Tennessee Code Annotated, Section 17-5-302(8), in that he was guilty of conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice.

THURSDAY, APRIL 30, 1987--SPECIAL JOINT CONVENTION

President Wilder explained the procedure: Consideration before the Joint Convention shall be limited to the record; but oral argument will be permitted. Upon the conclusion of argument by counsel, the Joint Convention shall adjourn and each house shall repair to its respective chamber. Each house will then vote separately on the charges. A two-thirds (2/3's) vote by the number of votes to which each house is entitled is necessary to remove Judge Murphy from office.

President Wilder inquired if there are any preliminary matters which need to be brought to the Chair's attention at this time? Each member has a copy of the report. The charges will be read in each house before a vote is taken. Does any member desire to have the charges read at this time?

President Wilder announced that Judge Lloyd Tatum is present. Judge Tatum was the investigating officer and prosecutor in this case and was appointed by the Court of the Judiciary under Tennessee Code Annotated, Section 17-5-312.

President Wilder stated that Mr. Jim Sanderson, an attorney representing Judge Murphy called his office this morning and informed The Speaker that Judge Murphy had requested that he, Mr. Jim Sanderson, not appear at the Joint Convention to represent him on his behalf.

President Wilder recognized Judge Tatum for statement by the Prosecutor.

President Wilder recognized Senator Davis for statement.

Senator Davis stated that a formal statement would be forthcoming.

President Wilder inquired does any member of the Joint Convention have any comments? Hearing none. President Wilder stated that the purpose for which this Joint Convention was called having been accomplished, the Joint Convention stands dissolved, and at this time each body shall repair to its respective Chamber and vote separately on the matter before us.